

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Derek Campbell et al.

Serial No.: 10/700,043

Filed: November 4, 2003

For: GOLF BAG BASE

Atty. Docket No.: 005127.00179

Group Art Unit: 3727

Examiner: Mai, Tri M

Confirmation No.: 3120

DECLARATION UNDER 37 C.F.R. § 1.131

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

We, Derek Campbell, Christopher Pearson and Randy Wolfe, hereby declare as follows:

- 1) We are named as joint inventors of the above-identified patent application.
- 2) We were employed by NIKE, Inc. (NIKE) or a contract firm employed by NIKE during conception, development and reduction to practice of the inventions set forth in the above-identified patent application.
- 3) NIKE is the assignee of the above-identified application.
- 4) Prior to May 28, 2003, the filing date of U.S. Patent No. 6,938,762, we conceived and reduced to practice the invention recited in at least pending claims 1, 4-11, 15, 16, 20-28, 33, 34 and 36 of the above-identified application.
- 5) Reduction to practice is evidenced by the design and construction of a golf bag having a golf bag base constructed according to aspects of the above-identified application. A golf bag having a golf bag base described in the above-identified application is shown in the attached figures, Exhibits A-G.
- 6) Exhibit A demonstrates conception and reduction to practice of at least independent claims 1 and 20 prior to May 28, 2003 as discussed below. The golf bag (10) shown in Exhibit A and the accompanying annotated figure, includes a substantially hollow body (12) with a

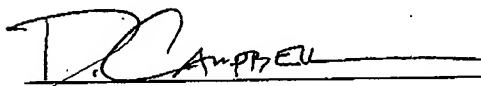
first end (14) for receiving golf equipment and an opposite second end (16). In addition, the golf bag (10) includes a base (18) secured to the second end (16) of the body. The base (18) includes a one-piece element that extends substantially around the body (12) and forms a support surface for contacting a ground. The base (18) defines a flexion line (20). Exhibit A further illustrates that a first portion (18A) of the base (18) is pivotable with respect to a second portion (18B) of the base (18) about the flexion line (20). Exhibit A further illustrates the base (18) being formed of a flexible material because the illustrated base (18) is substantially horizontal in portions of Exhibit A and is shown as flexed in other portions. Exhibit A includes a date (redacted) that is prior to May 28, 2003.

- 7) Conception and/or reduction to practice of at least claims 4-11, 15, 16, 21-28, 33, 34 and 36 is apparent from Exhibits A-G. All of Exhibits A-G include dates thereon that are prior to May 28, 2003 (the dates are redacted in the Exhibits). At least Exhibits A, C, D, F and G clearly illustrate the flexion line (20) as an indentation in the base, as recited in claims 4 and 27, and that the indentation is defined in an interior surface of the base, as recited in claims 5, 28. In yet another example, Exhibit A clearly illustrates the first portion of the base (18A) being pivoted with respect to the second portion of the base (18B) when the golf bag is in an inclined position (as recited in claim 9). In still another example, Exhibit A clearly illustrates that the base (18) is in an unflexed configuration and the legs (22) are adjacent to the body (12) when the golf bag (10) is in the upright position, and the first portion (18A) is pivoted with respect to the second portion (18B) and the legs (22) extend obliquely away from the body (12) when the golf bag is in the inclined position (as recited in claim 21).
- 8) Exhibits A-G clearly illustrate the base defining the flexion line (20) and the first portion (18A) of the base being pivotable about the flexion line (20), as recited in claim 24. The Exhibits further illustrate the sidewalls of the base (18) having a reduced thickness in areas positioned at an interface of the first portion (18A) and the second portion (18B) of the base (as recited in claims 6 and 25). The Exhibits further illustrate the support surface of the base having a reduced thickness in areas positioned at an interface of the first portion (18A) and the second portion (18B), as recited in claims 7 and 26.
- 9) Exhibit A clearly illustrates the golf bag (10) including a support assembly (22) that includes a pair of legs for supporting the golf bag in an inclined position, as recited in claim

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8. Exhibit A further illustrates the support assembly (22) including an actuator (23) that extends between the legs and the base, as recited in claims 10 and 22, and that the actuator (23) joins with a first connecting element (24) that is secured to the base, as recited in claims 11 and 23.
- 10) The figures from the prototype depicted in Exhibits A-G have not been altered since they were originally prepared (other than redacting the original dates by counsel, as indicated above). In addition, each of Exhibits A-G includes a duplicate figure including annotations indicating various features of the golf bag.
- 11) Each of us individually represents that we are over 18 years of age and of competent mind.
- 12) All statements made of our own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful, false statement so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,


Derek Campbell

3.13.07
Date

Christopher Pearson

Date

Randy Wolfe

Date


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8. Exhibit A further illustrates the support assembly (22) including an actuator (23) that extends between the legs and the base, as recited in claims 10 and 22, and that the actuator (23) joins with a first connecting element (24) that is secured to the base, as recited in claims 11 and 23.
- 10) The figures from the prototype depicted in Exhibits A-G have not been altered since they were originally prepared (other than redacting the original dates by counsel, as indicated above). In addition, each of Exhibits A-G includes a duplicate figure including annotations indicating various features of the golf bag.
- 11) Each of us individually represents that we are over 18 years of age and of competent mind.
- 12) All statements made of our own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful, false statement so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

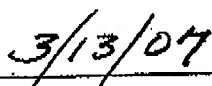
Respectfully submitted,

Derek Campbell

Date



Christopher Pearson



Date

Randy Wolfe

Date

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8. Exhibit A further illustrates the support assembly (22) including an actuator (23) that extends between the legs and the base, as recited in claims 10 and 22, and that the actuator (23) joins with a first connecting element (24) that is secured to the base, as recited in claims 11 and 23.
- 10) The figures from the prototype depicted in Exhibits A-G have not been altered since they were originally prepared (other than redacting the original dates by counsel, as indicated above). In addition, each of Exhibits A-G includes a duplicate figure including annotations indicating various features of the golf bag.
- 11) Each of us individually represents that we are over 18 years of age and of competent mind.
- 12) All statements made of our own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful, false statement so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Derek Campbell

Date

Christopher Pearson

Date

Randy Wolfe

Date

Mar. 19, 2007

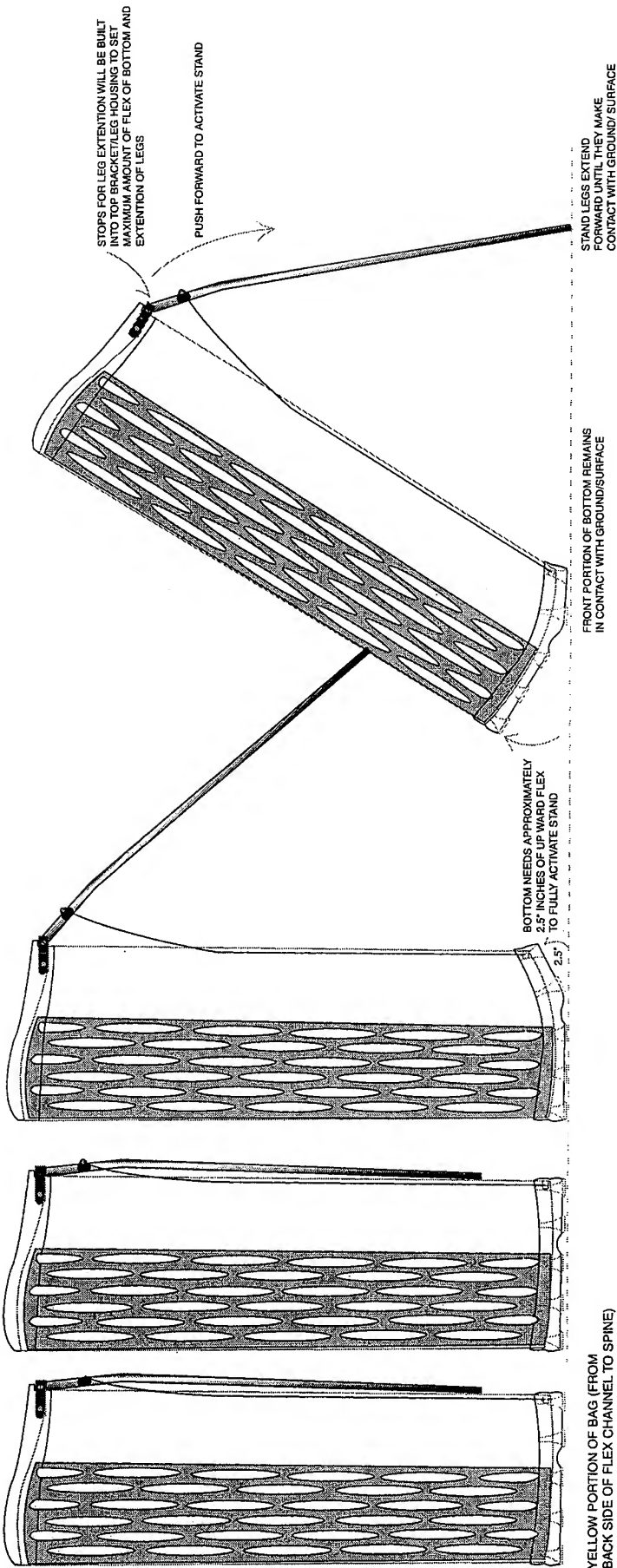
Exhibit A

ADDITIONAL INFORMATION FOR ADVANCED NIKE TOUR CARRY BOTTOM C. PEARSON, SUMMITOP INDUSTRIAL CO. LTD.

RIGID SECTION OF BAG
COULD BE EXTENDED TO
BELLY OF BAG IF IT DOES
NOT DROP LOWER THAN
REQUIRED FLEX/MOVEMENT
AREA

BAG BODY CONSTRUCTION 2

BAG BODY CONSTRUCTION 1



YELLOW PORTION OF BAG (FROM
BACK SIDE OF FLEX CHANNEL TO SPINE)
MUST BE RIGID.
BY STAYS OR INTERNAL FRAME. THIS
ALLOWS FRONT PORTION BAG/STAND SPRING
AND BOTTOM TO FLEX "FORWARD" TO
ACTIVATE STAND

ADDITIONAL INFORMATION FOR ADVANCED NIKE TOUR CARRY BOTTOM C. PEARSON, SUMMITOP INDUSTRIAL CO. LTD.

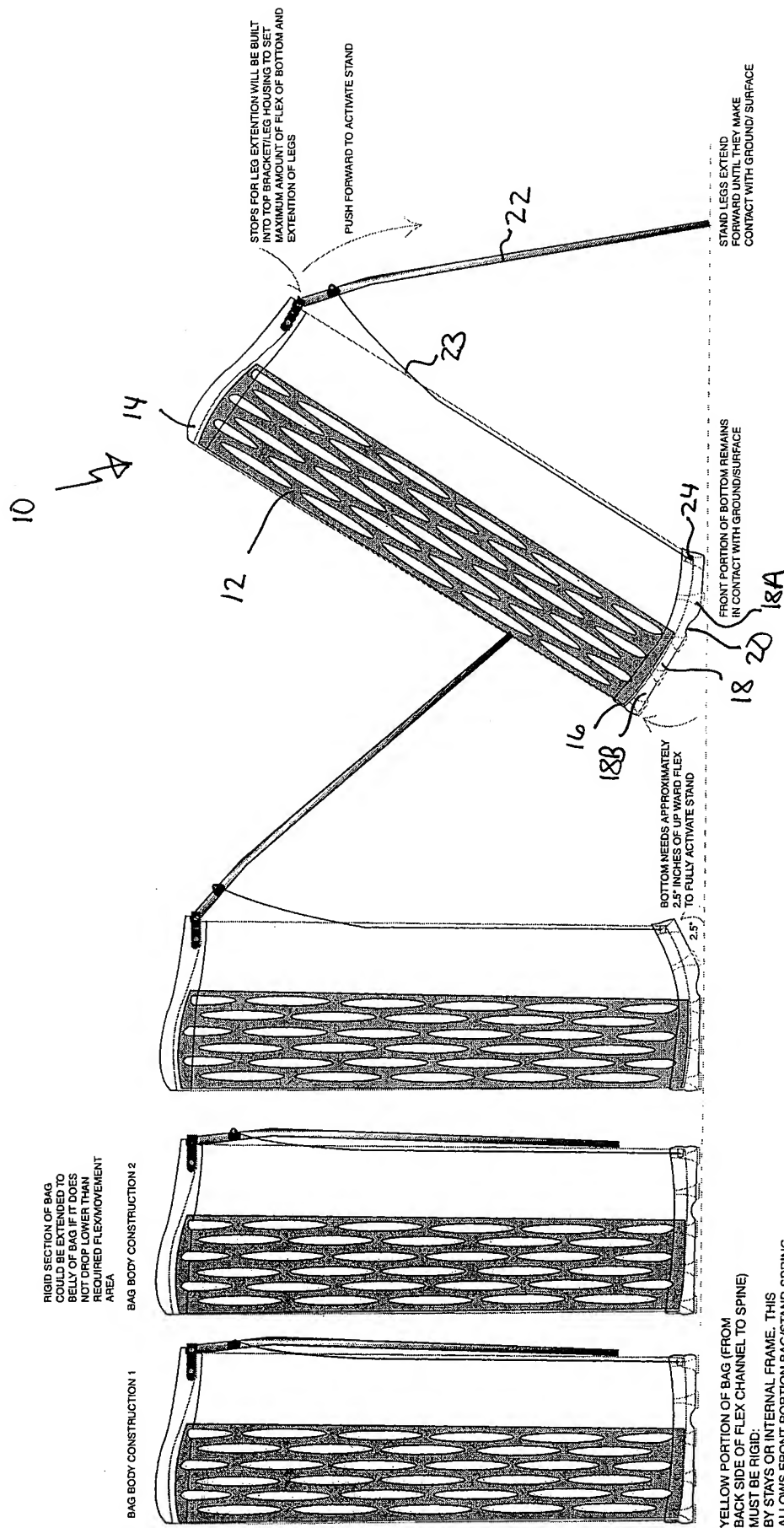


Exhibit B

**NIKE ADVANCED CONCEPT EVA BOTTOM
TAC BOTTOM CUT-AWAY
WITH EVA FOAM.**
C. PEARSON

10mm (0.4 inch) thick

Stitch bag body like
normal.

3mm EVA softer density
foam "side wall sheet" to
fill in holes on side wall.
This foam should just be a
thin strip adheared to the
side wall.

5mm EVA Sheet to cover entire
bottom/ Total thickness of flex
area is 5mm.

5mm EVA sheet added to front and
back section (not the flex area)

NIKE ADVANCED CONCEPT EVA BOTTOM
TAC BOTTOM CUT-AWAY
WITH EVA FOAM.
C. PEARSON.

10mm (0.39") thickness

Stitch bag body like normal.

18A

3mm EVA softer density foam "side wall sheet" to fill in holes on side wall. This foam should just be a thin strip adhered to the side wall.

20

5mm EVA Sheet to cover entire bottom/ Total thickness of flex area is 5mm.

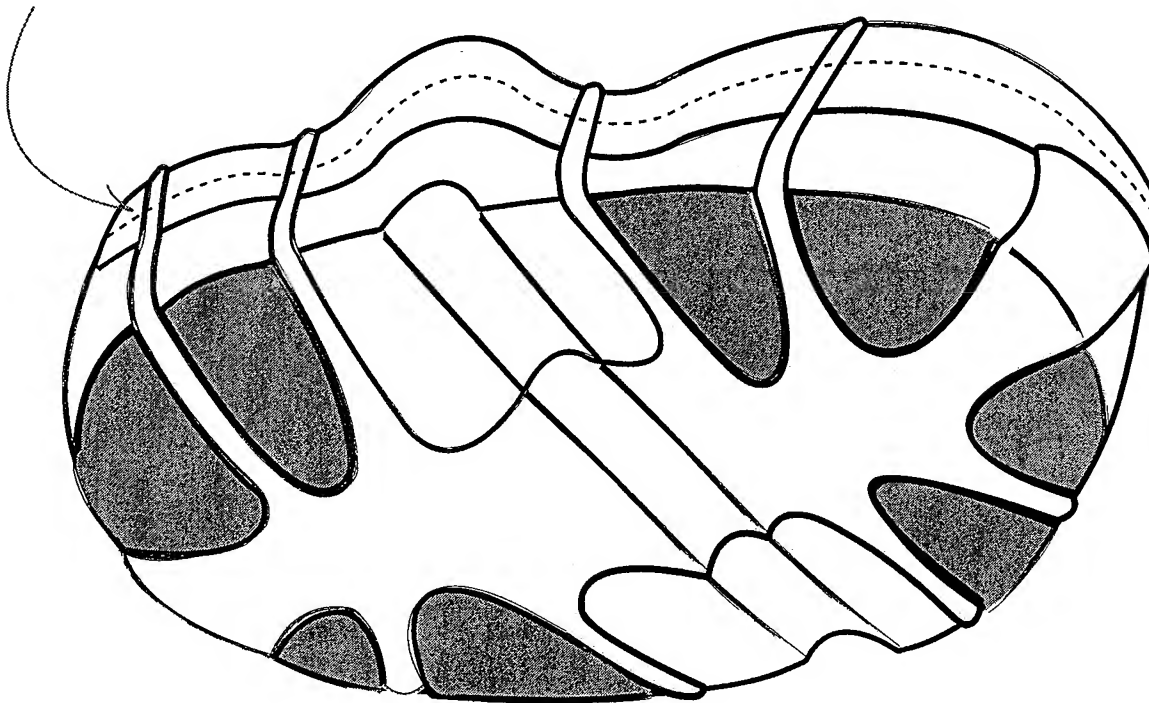
18B

5mm EVA sheet added to front and back section (not the flex area)

Exhibit C

NIKE ADVANCED CONCEPT TOUR CARRY BOTTOM:
C.PEARSON. SUMMITOP INDUSTRIAL CO. LTD [REDACTED]

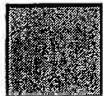
BAG BODY INTO CHANNEL/SEW THROUGH BOTTOM/BAG TO ATTACH



PHYLON SHELL



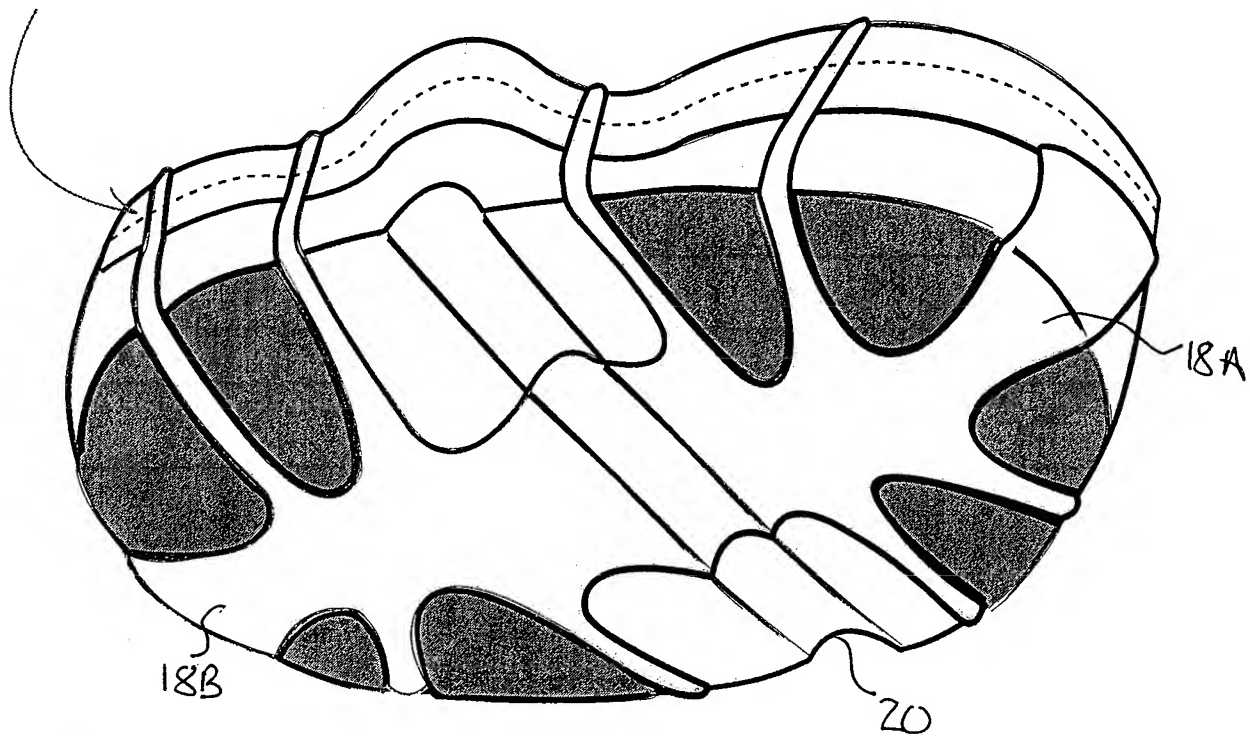
STABILITY WEB: MATERIAL SIMILAR TO TOE GUARD ON MY PRESTO SHOES (CLEAR ON SHOES)



DURABLE INSERTS (RUBBER OR HARDER PHYLON) FOR ABRASION PROTECTION IF NEEDED

NIKE ADVANCED CONCEPT TOUR CARRY BOTTOM:
C.PEARSON. SUMMITOP INDUSTRIAL CO. LTD [REDACTED]

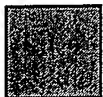
BAG BODY INTO CHANNEL/SEW THROUGH BOTTOM/BAG TO ATTACH



PHYLON SHELL



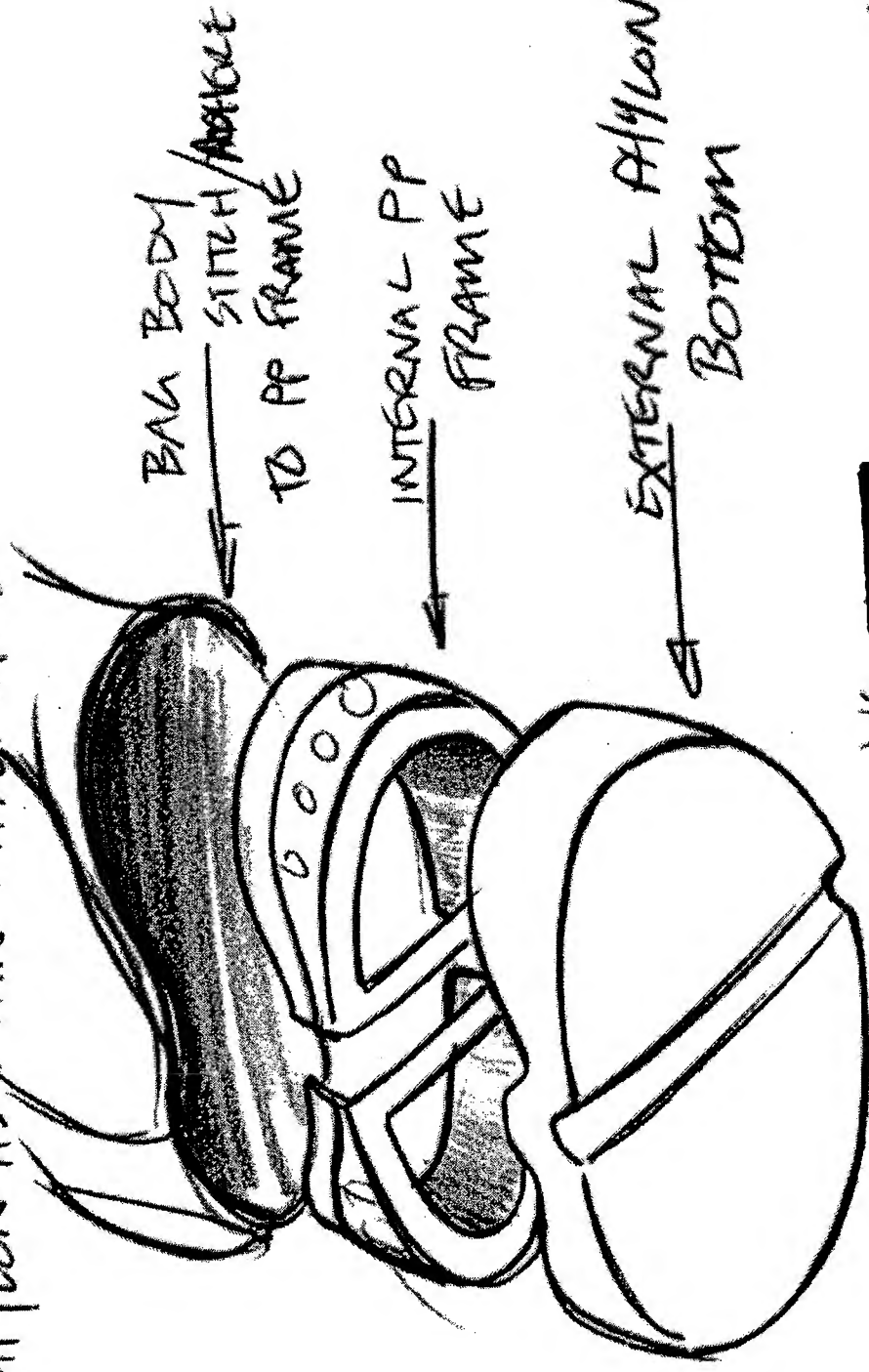
STABILITY WEB: MATERIAL SIMILAR TO TOE GUARD ON MY PRESTO SHOES (CLEAR ON SHOES)



DURABLE INSERTS (RUBBER OR HARDER PHYLON) FOR ABRASION PROTECTION IF NEEDED

Exhibit D

NEW TOUR CARRY BOTTOM
PHYLON AS MAIN MATERIAL -



PP,
Xhu

NEW TANK CARRY BOTTOM
PHYLLON AS MAIN MATERIAL -

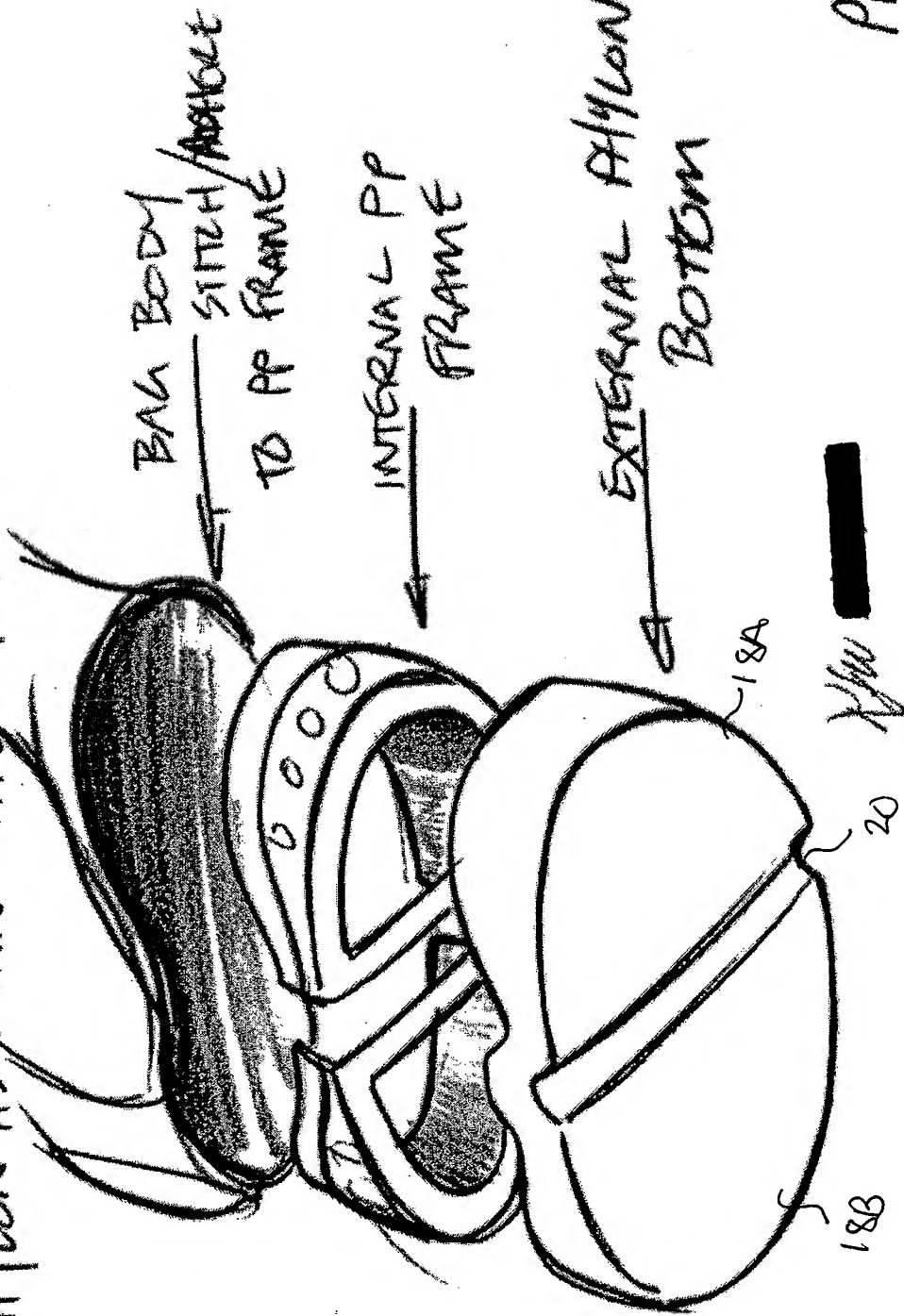
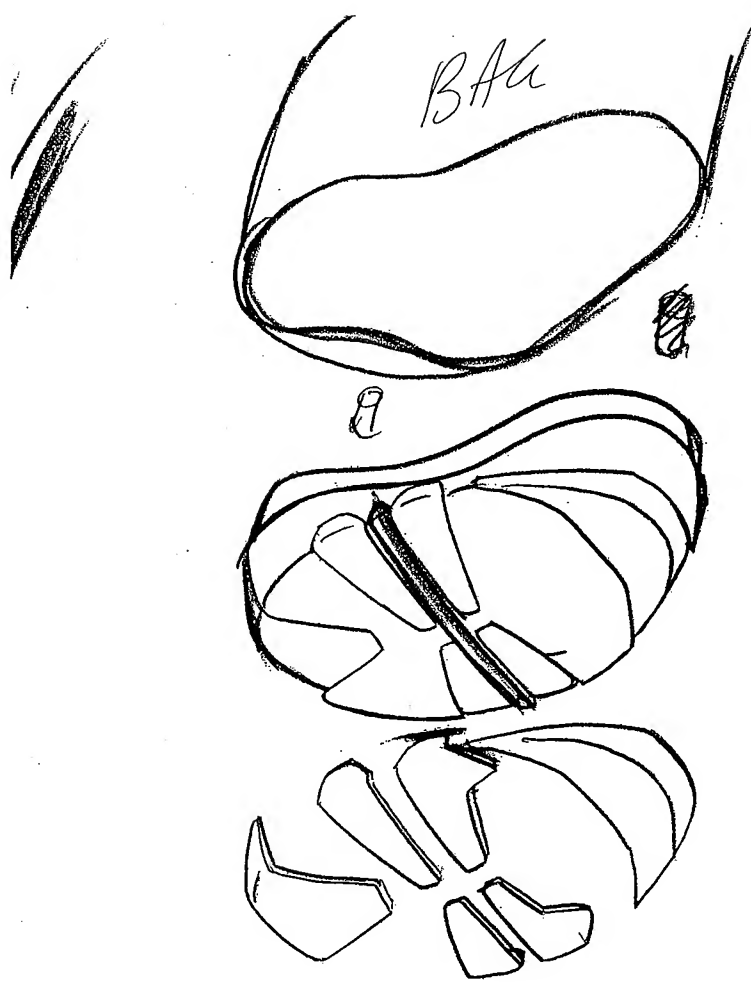
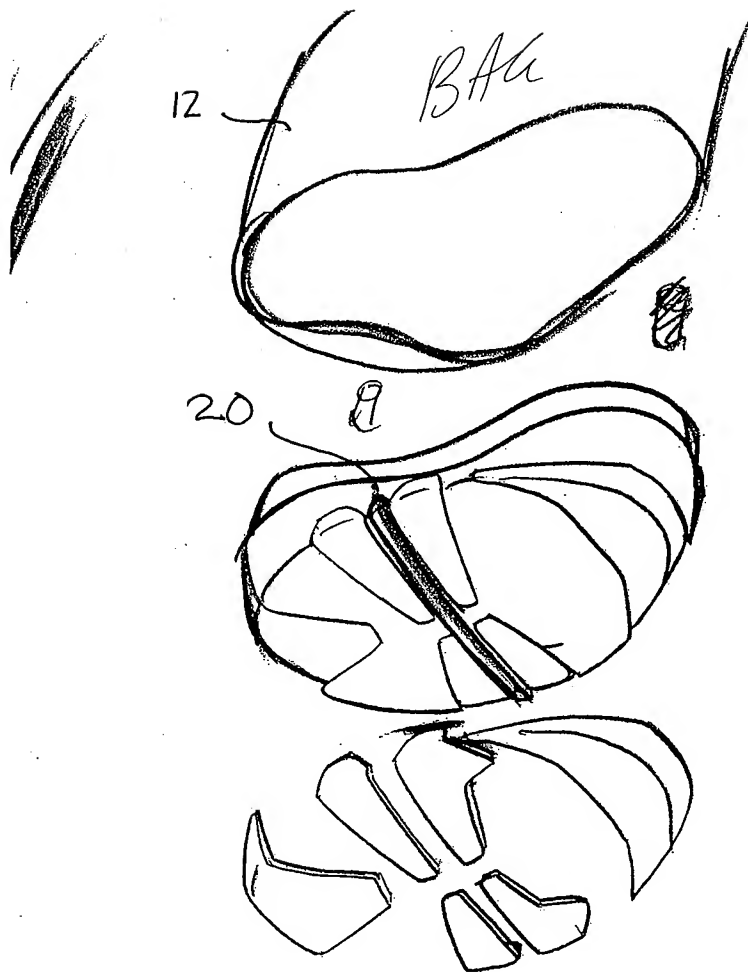


Exhibit E

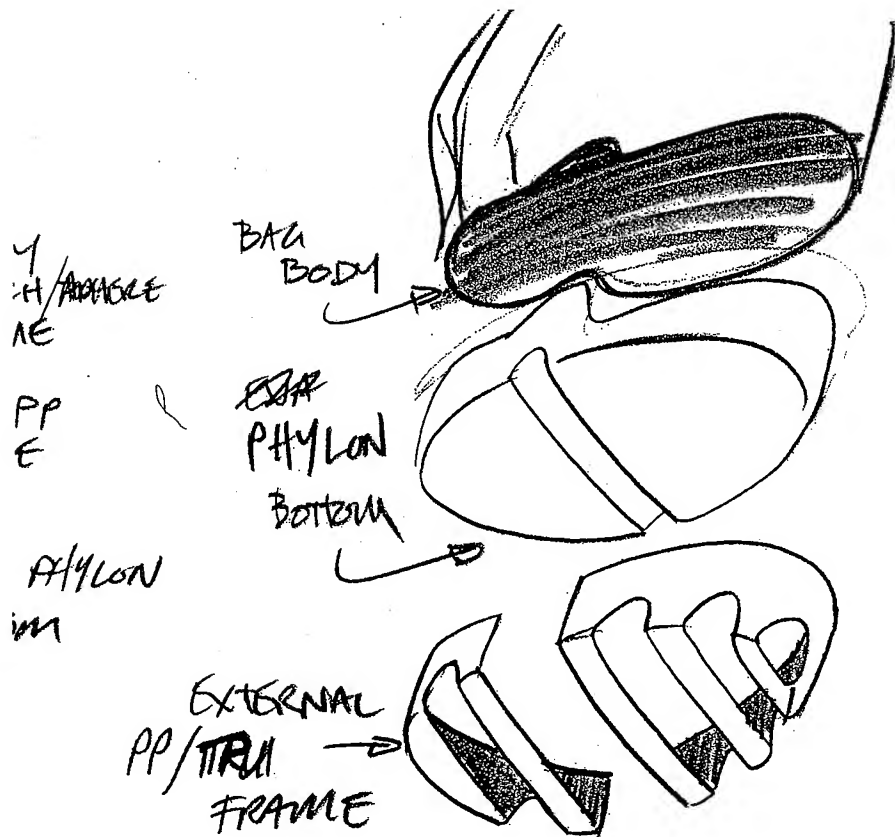


[Signature] **[Redacted]**

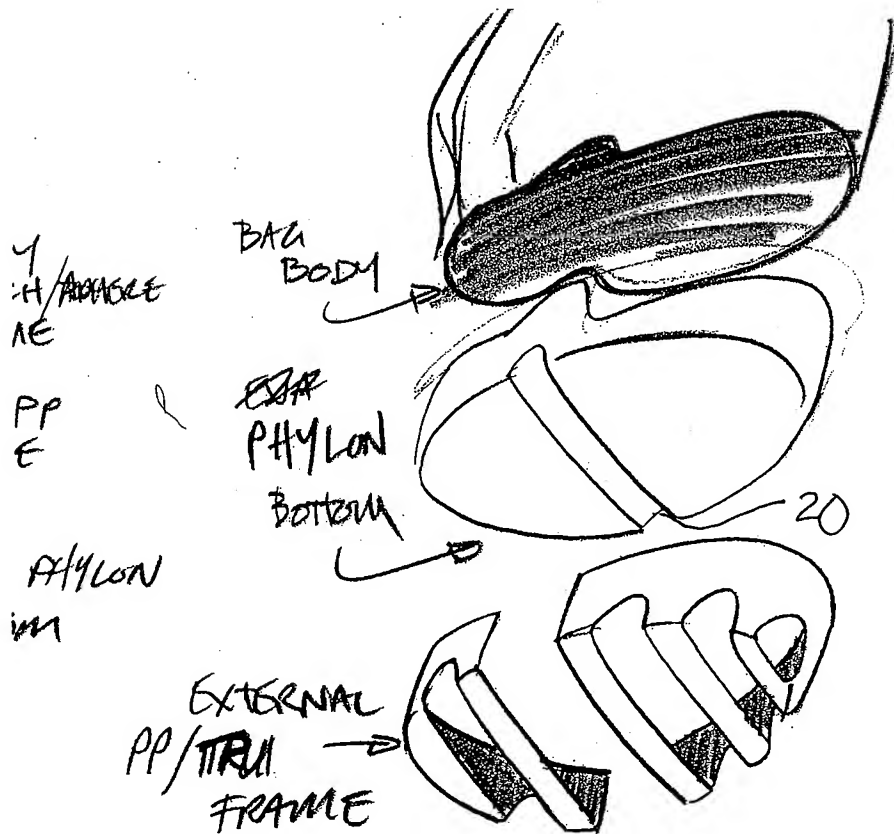


[Signature] **[Redacted]**

Exhibit F



RW. [REDACTED]



RW. [REDACTED]

Exhibit G



Handwritten signature or initials, possibly "JW", followed by a thick black horizontal bar.

